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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,320	09/08/2003	Nicholas James Nissing	8652C	1187

27752 7590 11/29/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER	
NORDMEYER, PATRICIA L	
ART UNIT	**PAPER NUMBER**
1772	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,320	NISSING, NICHOLAS JAMES	
	Examiner	Art Unit	
	Patricia L. Nordmeyer	1772	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 5, 6, 8, 10, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr. et al. (USPN 5,853,197) in view of Nigam (USPN 6,241,787).

Mowry , Jr. et al. disclose a printed substrate used as a security document having first and second outer surfaces, wherein the first surface includes indicia (Column 3, lines 49 – 52 and Figure 1). The printed indicia are composed of print elements such as dots and lines (Column 5, lines 46 – 49). As seen in Figures 1 and 2, , the substrate includes a substrate color density

(#40), a background color density (#52 or #22)and a print element color density (#58 or #26), where the background color density is greater than the substrate and less than the printed element color density (Column 6, lines 9 – 29). Due to the variation of the coverage of the printed matter of the background (Column6, lines 9 – 29) the background has a ΔE of at least 10. The printed substrate is used for a variety of documents including checks, stock certificates and birth certificates (Column 1, lines 12 – 17) that are made from cellulosic material, which absorb liquids, thereby making the documents absorbent disposable paper products. Ink is provide in a variety of ways to the surface of the substrate (Figures 1 and 2) and in a variety of densities (Column 6, lines 23 – 25) which would allow for two solid print regions having a ratio of at least 1.15 (Figure 2, #60), a dot area ratio of at least 1.10 and a rub off ratio greater than 1.1. The documents are made using a process print as shown by the steps in Column 8, lines 1 – 38. However, Mowry , Jr. et al. fail to disclose a print enhancing fluid disposed on one of said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid.

Nigam teach a print enhancing fluid disposed on one of said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid (Abstract, lines 5 – 9) for the purpose of having bleed-resistant, water-resistant and/or enhanced chroma and hue printed images (Abstract, lines 9 – 13).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the print enhancing fluid in register with the print elements

in Mowry, Jr. et al. in order to have bleed-resistant, water-resistant and/or enhanced chroma and hue printed images as taught by Nigam.

4. Claims 1, 3, 8 and 10 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brugada (USPN 5,904,375) in view of Nigam (USPN 6,241,787).

Brugada discloses a printed substrate used as a security document having first and second outer surfaces, wherein the first surface includes imprinted backgrounds of micropattern of text or drawings with inks that include pigments (Column 2, lines 27 – 32). The micropattern is composed of print elements such as dots and lines (Column 2, lines 35 – 40). As seen in Figure 1, the substrate includes a substrate color density (#1) a background color density (#10) and a print element color density (#2), where the background color density is greater than the substrate and less than the printed element color density (Figure 1). Due to the distance between the dots of the background density (Column 2, lines 45 – 59), the background has a ΔE of at least 10. The printed substrate is a paper material (Column 1, line 9 and Column 4, lines 21 – 22), which is made from cellulosic material that absorbs liquid, thereby making the documents absorbent disposable paper products. As shown by Figure 1, the ink is comprised of two print regions that may have the same color and color density. Depending on the type of the ink used, hydrophilous versus non-absorbent (Column 4, lines 29 – 38), the ink may have a rub off ratio greater than 1.1. As shown by the method of making the document in Column 6, lines 8 – 44, the indicia comprise a process print. However, Brugada fails to disclose a print enhancing fluid disposed on one of

said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid.

Nigam teach a print enhancing fluid disposed on one of said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid (Abstract, lines 5 – 9) for the purpose of having bleed-resistant, water-resistant and/or enhanced chroma and hue printed images (Abstract, lines 9 – 13).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the print enhancing fluid in register with the print elements in Brugada in order to have bleed-resistant, water-resistant and/or enhanced chroma and hue printed images as taught by Nigam.

5. Claims 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr. et al. (USPN 5,853,197) in view of Nigam (USPN 6,241,787) as applied to claims 1, 3, 5, 6, 8, 10, 12, 14 and 15 above, and further in view of Harris (USPN 5,871,615).

Mowry, Jr. et al., as modified with Nigam, disclose the claimed printed substrate used as a security document made with cellulosic material with different color densities for the substrate, background and print element color density except for the substrate being textured.

Harris teaches a security paper (Column 1, line 5) made from cellulosic material (Column 4, lines 34 – 35) that has been formed with a tactile (textured) surface profile during the manufacturing process (Column 2, lines 21 – 24) with a variety of inks that may be applied to the surface (Column 4, lines 3 – 4) for the purpose of forming a pattern on the paper that has excellent durability and a high degree of security due to the patterns intricacy that facilitates verification or authentication of documents printed on the paper (Column 2, lines 13 – 24).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the textured paper with intricate surface patterns in the modified Mowry, Jr. et al. in order to form forming a pattern on the paper that has excellent durability and a high degree of security due to the patterns intricacy that facilitates verification or authentication of documents printed on the paper as taught by Harris.

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 3 - 15 have been considered but are moot in view of the new ground(s) of rejection. However, since the same prior art is being applied in the above rejections, the arguments will be responded to below.

In response to Applicant's argument that no where does Mowry teach a third color density of ink should be applied to the substrate around print elements and the application of a third density in the article would result in the activation of the security notification, it is noted that the features upon which applicant relies (i.e., a third density of ink and the logarithmic

relationship between the incident and reflected light) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim limitations are directed towards a substrate color density, a background color density and a print element color density, which do not state anything with regard the densities being directed towards ink. Three different densities are shown by Mowry through the use of dots, lines and spacing between the elements, which meet the limitations of claims since only color densities are claimed without reference to ink. The substrate is one color density while the ink around the dots and the ink of the dot itself form the other two color densities.

In response to Applicant's argument that nowhere in Mowry is the use of solid regions having different color densities such that the color density ration between the two solid print regions is at least 1.15, Mowry discloses that ink is provide in a variety of ways to the surface of the substrate (Figures 1 and 2) and in a variety of densities (Column 6, lines 23 – 25) which would allow for two solid print regions having a ratio of at least 1.15 based on how close the print element are (Figure 2, #60) since Mowry uses ink for the different elements (Column 5, lines 5 – 7), which is defined by the Applicant's application on page 8, lines 28 – 30 to be "any composition or components thereof applied to the substrate and which remains thereon in a visible pattern even though components of the ink may evaporate.

In response to Applicant's argument that nowhere in Brugada is the use of different print regions with the same color and color density where the different print regions have differing

rub-off characteristics such that the rub-off ratio is greater than 1.1, as shown by Figure 1, the ink is comprised of two print regions that may have the same color and color density. Depending on the type of the ink used, hydrophilous versus non-absorbent (Column 4, lines 29 – 38), the ink may have a rub off ratio greater than 1.1, wherein ink is defined by the Applicant's specification on page 8, lines 28 – 30 to be "any composition or components thereof applied to the substrate and which remains thereon in a visible pattern even though components of the ink may evaporate".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln